

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Wednesday, May 6, 1998

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 1872—Communications Satellite Competition and Privatization Act

H.R. 6—Higher Education Amendments



H.R. 1872—Communications Satellite Competition and Privatization Act

Floor Situation: The House will consider H.R. 1872 as its first order of business today. Yesterday, the Rules Committee granted a modified open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Commerce Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. The rule provides for consideration of only those amendments that have been pre-printed in the *Congressional Record*. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Summary: H.R. 1872 amends the 1962 Communications Satellite Act to promote competition and privatization in satellite communications. The bill encourages the privatization of the intergovernmental satellite organizations (IGOs) that dominate international satellite communications and promotes a competitive satellite communications marketplace.

The bill promotes the privatization of Intelsat and Inmarsat by offering the incentive of access to the U.S. marketplace if the IGOs privatize in an expeditious and pro-competitive manner. If Intelsat and Inmarsat do not competitively privatize by a certain date, the bill limits their access to the U.S. market. To allow for reasonable transition time, the bill provides Intelsat until January 1, 2002, and Inmarsat until January 1, 2001, to accomplish full privatization. The bill requires the Federal Communications Commission (FCC) to limit, deny, or revoke authority for the IGO's provision of non-core services to the U.S. market if the IGOs do not privatize by these dates.

The bill eliminates Comsat's monopoly on providing IGO services in the U.S. by permitting other service providers to compete through direct access to IGO satellites on January 1, 2000. The bill also allows Comsat's customers a one-time opportunity to renegotiate their contracts with the previous monopoly after January 1, 2000.

CBO estimates that enactment of the bill will have no significant budgetary effect between FY 1999 and FY 2003; however, it could result in lower costs to federal agencies for international telecommunications services in future years. The bill was introduced by Mr. Bliley and Mr. Markey and was reported by the Commerce Committee by voice vote.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 1872:

Mr. Campbell may offer an amendment (#2 or #3) to permit Comsat to offer services using Intelsat, Inmarsat, or other facilities regardless of whether these organizations moved toward privatization or are fully privatized by the established dates in the bill. Proponents of the amendment argue that it allows U.S. companies greater opportunity to secure satellite services which Comsat is currently prohibited from providing to the United States; however, opponents argue that it puts a burdensome condition on the FCC's implementation of direct access. *Staff Contact: Charlie DeWitt, x5-2631*

Mr. Gilman may offer an amendment (#4) to require that the annual reports contained in the bill also be submitted to the House International Relations Committee and the Senate Foreign Relations Committee. The amendment also requires that the consultation provisions of the bill require the president to consult with the House International Relations Committee and the Senate Foreign Relations Committee as well as those committees outlined in the bill. *Contact: x5-5021*

Mrs. Morella may offer an amendment (#5) to prevent the FCC from implementing the market access restrictions contained in the bill to prevent the provision of Intelsat or Inmarsat services in the U.S. via Comsat, regardless of whether these organizations move toward privatization or are competitively privatized by dates set in the bill. The amendment also prevents the FCC from implementing the market access restrictions on Intelsat or Inmarsat if doing so would create a liability under the takings clause of the Constitution. *Staff Contact: Craig Powers, x5-5341*

Ms. Morella may offer an amendment (#6) to require that, in implementing the market access restrictions, the FCC does not restrict Comsat in a manner that would create a liability under the takings clause of the Constitution. *Staff Contact: Craig Powers, x5-5341*

Mr. Schaefer may offer an amendment (#1) to require the FCC to follow World Trade Organization rules and requirements in implementing the bill's provisions. *Staff Contact: Joe Samuel, x5-7882*

Mr. Tauzin may offer an amendment (#7) to eliminate the "fresh look" provisions of the bill. The FCC's fresh look policy permits a customer that is locked into an anticompetitive long term business agreement with a telecommunications carrier to take a "fresh look" at more competitive alternatives, and possibly switch to a competing carrier. The fresh look policy also caps a customer's termination liability when it switches to a competing carrier. Historically, the FCC has applied the

fresh look policy to permit the customers of a monopoly provider to choose an alternative supplier when a market becomes competitive or undergoes significant changes in circumstances. **Staff Contact: Monica Azare, x5-4031**

Mr. Traficant may offer an amendment (#8) to express the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds provided in the bill should be American-made. **Staff Contact: Paul Marcone, x5-5261**

Additional Information: See *Legislative Digest*, Vol. XXVII, #11, May 4, 1998.



H.R. 6—Higher Education Amendments

Floor Situation: The House will complete consideration of H.R. 6 after it completes consideration of H.R. 1872. On Wednesday, April 29, the House completed general debate and considered amendments offered through Title VI of the bill under a modified open rule. The rule makes in order a committee amendment in the nature of a substitute as base text. It waives points of order against the bill and its consideration, and states that the bill will be considered by title. The rule requires that amendments must be printed in the *Congressional Record* to be considered. The chairman of the Committee of the Whole may postpone votes during consideration and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule allows one motion to recommit, with or without instructions.

Summary: H.R. 6 amends the 1965 Higher Education Act to reauthorize several existing programs that provide federal aid to students and institutions of higher education, authorize new programs, and repeal current unfunded programs. The bill authorizes \$101 billion for these programs for fiscal years 1999-2003. The bill focuses on expanding postsecondary education opportunities for low-income students and increasing the affordability of postsecondary education for many moderate income families. It resolves a current controversy over the cut in interest rates on student loans that is scheduled for July 1, 1998, by establishing a new interest rate formula for new student loans.

The bill also:

- * increases the maximum Pell Grant award from its current level of \$3,000 to \$4,500 for the next school year, and to \$5,300 in the 2003-2004 school year;
- * establishes a new performance-based organization to administer federal student aid programs;
- * establishes Teacher Quality Enhancement Grants, competitive grants offered to states to be used to improve the quality of teachers;
- * authorizes new programs to strengthen the quality of elementary and secondary teachers, as well as expand loan cancellation for individuals teaching in low-income elementary and secondary schools;

- * authorizes new programs to help disadvantaged elementary and secondary students graduate from high school and enroll in college;
- * authorizes \$135 million to assist Historically Black Colleges and Universities and other institutions of higher education that enroll large numbers of minority students and students from low-income backgrounds;
- * establishes the Frank Tejeda Scholarship program to recruit and train teachers who are proficient in both Spanish and English;
- * creates the Campus-Based Child Care program to award grants to institutions of higher education to assist in providing campus-based child care services to low income students;
- * expands work-study provisions to allow campus-performed jobs to qualify under community service provisions and modifies the campus-based formula in order to provide more funds to institutions of higher education who joined the program after 1985 and for those which serve a large number of low-income students;
- * amends need analysis procedures to increase working dependent students' and single independent students' eligibility for financial aid;
- * increases the amount of income that families may exclude from calculations to determine how much they should contribute to the cost of education and reduces the percentage of a student's assets that must be contributed toward his/her education; and
- * expands the responsibility for reporting campus crime statistics to include administrators who have direct responsibility for student and campus activities and requires institutions of higher education to submit campus crime statistics to the Education Secretary.

CBO estimates that enactment will result in discretionary outlays of \$89.1 billion and mandatory outlays of \$29.4 billion over the next five years. The bill was introduced by Messrs. McKeon, Goodling, Clay, and Kildee, and was reported by the Education & the Workforce Committee by a vote of 38-3.

Views: The Republican leadership supports passage of the bill. While the administration acknowledges that the bill reflects many of the administration's education proposals, the president has threatened veto the measure. The administration objects to several provisions, including the changes to the student loan interest rate structure which provides a subsidy to lenders.

Amendments: At the close of business, the *Legislative Digest* was aware of the following amendments to H.R. 6:

Title VII — Construction, Reconstruction, and Renovation of Academic Facilities

Mr. Stupak may offer an amendment (#4) to forgive a debt incurred by a previous administration at Suomi College in Hancock, Michigan. Suomi College owes the Department of Education \$5.4 million for construction of buildings on campus. Founded in 1896, the college enrolls 400 students (60 percent from the Upper Peninsula of Michigan) and employs 140 people (the fourth largest private employer in the region). *Staff Contact: David Buchanan, x5-4735*

Title VIII — Additional Provisions

Mr. Hall (TX) may offer an amendment (#63) to prohibit the Education Secretary from using audit deficiencies in record keeping in determining whether Texas College in Tyler, Texas, complies with financial responsibility and administrative capacity standards of the HEA, if the college made a good faith effort in furnishing records and provides a signed affidavit to this effect to the Education Department. The previous administration of the college mismanaged its operations and as a result lost its accreditation for federal funding. The current administration at Texas College is close to restoring its accreditation; however, some documentation from the previous administration that is required by the Education Department is missing. *Staff Contact: Marlene Hess, x5-6673*

Mr. Miller (CA) may offer an amendment (#69 or #70) to state the sense of Congress that all American colleges and universities should adopt rigorous labor codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad. *Staff Contact: Daniel Weiss, x5-2095*

Mr. Skaggs may offer an amendment (#58) to study consolidation options with respect to students who have borrowed loans from private sources (other than direct student loans or federally guaranteed student loans). *Staff Contact: Mike Carr, x5-2161*

Mr. Stupak may offer an amendment (#5) to authorize \$5 million for each of the next five fiscal years for the Olympic Scholarship program, which provides college scholarships for Olympic athletes while they train. *Staff Contact: David Buchanan, x5-4735*

Title IX — Amendments to Other Laws

Mr. Foley may offer an amendment (#22) to eliminate the federal prohibition on notifying the campus community when a student commits a violent crime. The amendment allows the release of the names of students who are found guilty of committing violent crimes by university disciplinary proceedings. *Staff Contact: Shawn Gallagher, x5-5792*

— Additional Titles —

Mr. Campbell may offer an amendment (#76) to create a new title to provide non-discriminatory enrollment into the Minority Science and Engineering Improvement program. The program is designed to effect long-range improvements in science and engineering education, and improve support programs for minority students enrolled in science and engineering programs at predominantly

minority institutions. The sponsor believes that the program should not exclude anyone from participating in a science or engineering program due to their race, religion, or national origin. *Staff Contact: Suhail Khan, x5-2631*

Mr. Campbell may offer an amendment (#79) to create a nondiscrimination provision in the bill which states that no individual will be excluded from any program or activity authorized by the HEA on the basis of race or religion. *Staff Contact: Suhail Khan, x5-2631*

Ms. Jackson-Lee may offer an amendment (#31) to create a new Title XIII to direct the secretary to study methods to identify students with dyslexia early in their educational training. *Staff Contact: Lillie Coney, x5-3816*

Mr. Kennedy (MA) may offer an amendment (#80) to express the sense of the House that, in an effort to change the culture of alcohol consumption on college campuses, all colleges and universities should adopt a code of principles and practices by (1) appointing a campus task force on drug and alcohol abuse, (2) providing “dry” alternatives to students, (3) enforcing a zero tolerance for illegal use and abuse of drugs and alcohol, (4) setting sanctions and counseling for students, and (5) limiting alcoholic beverage promotion and sponsorship on campuses. *Staff Contact: Brandon Mitchell, x5-5111*

Mr. Kennedy (MA) may offer an amendment (#81) to authorize the Secretary of Education to administer grants to institutions of higher education to develop and implement alcohol and drug prevention, education, treatment, and counseling programs. The amendment also authorizes the secretary to administer a program to recognize and award 10 college programs which serve as national models of effective alcohol and drug prevention programs. *Staff Contact: Brandon Mitchell, x5-5111*

Mr. Livingston may offer an amendment (#64) to express the sense of the House that institutions of higher education should not take actions which prevent students from expressing freedom of speech or association. The amendment does not prevent institutions from imposing sanctions on students who willfully participate in a disruption of a lecture, speech, or presentation. *Staff Contact: Stan Skocki, x5-3015*

Mrs. Meek and Mrs. Northup may offer an amendment (#77) to create a new Title XI to establish a demonstration project to develop ways to provide equal educational opportunity for individuals with learning disabilities at institutions of higher education. The amendment states that (1) not more than five institutions will participate in the demonstration projects; (2) grants, contracts, and agreements will be awarded on a competitive basis; and (3) awards will be granted for three years. The amendment authorizes \$10 million for each fiscal year from FY 1999 through FY 2001 for the projects. *Staff Contacts: Patrick Edmond (Meek), x5-4506 and Juliane Carter (Northup), x5-5401*

Ms. Millender-McDonald may offer an amendment (#82) to create a new Title XI to establish partnerships between institutions of higher education, elementary schools or secondary schools, local educational agencies, state educational agencies, teacher organizations, and nonprofit organizations to improve the preparation and professional development of teachers. The amendment authorizes the Department of Education to award grants on a competitive basis to professional development partnerships. *Staff Contact: Andrea Martin, x5-7924*

Mr. Miller (CA) may offer an amendment (#72 or #73) to create a new Title XI which states the sense of Congress that all American colleges and universities should adopt rigorous labor codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad. **Staff Contact: Daniel Weiss, x5-2095**

Mr. Owens may offer an amendment (#78) to create a new Title XI to establish a Postsecondary Information Technology Education Recruitment program to provide grant funds to institutions to establish, oversee the operation of, and provide technical assistance to projects that provide postsecondary information technology education and employment procurement assistance. The amendment authorizes \$100 million for FY 1999 for this program and such sums as necessary for each of the four succeeding fiscal years. **Staff Contact: Kenya Reid, x5-6231**

Mr. Riggs may offer an amendment (#73) to create a new Title XI to prohibit discrimination and preferential treatment on the basis of race, sex, color, ethnicity, or national origin in connection with admission to any public institution of higher education participating in programs authorized by the Higher Education Act. The amendment encourages affirmative action in the form of outreach and recruitment, so long as such outreach and recruitment does not involve granting an admissions preference based on race, sex, color, ethnicity, or national origin. Private schools are not covered by the amendment, and it excludes any tribally controlled institution that has a policy of granting preferential treatment on the basis of affiliation with an Indian tribe. Yesterday, the House agreed to limit debate on this amendment to two hours, equally divided between Mr. Riggs and Mr. Clay. **Staff Contact: Mark Davis, x5-3311**

Mr. Roemer and Mr. Riggs may offer an amendment (#75) to delete the provision of the bill that requires institutions of higher education to report any reduction in funding or in the number of participants on an athletics team, and report the elimination of any sports teams four years in advance of the actual reduction and justify that decision. **Staff Contacts: Gina Mahony (Roemer), x5-3915 and Jennifer Drazek (Riggs), x5-3311**

Additional Information: See *Legislative Digest*, Vol. XXVII, #10, Pt. II, April 27, 1998.



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Amendment Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.